



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicants: Dean L. Engelhardt et al.

Serial No. 08/486,069

Group Art Unit: 1631

Filed: June 7, 1995

Examiner: Ardin Marschel,  
Ph.D.

Title: NUCLEIC ACID SEQUENCING PROCESSES  
USING MODIFIED NUCLEOTIDES OR  
NUCLEOTIDE ANALOGS, AND OTHER  
PROCESSES FOR NUCLEIC ACID DETECTION  
AND CHROMOSOMAL CHARACTERIZATION  
USING SUCH MODIFIED NUCLEOTIDES OR  
NUCLEOTIDE ANALOGS (As Amended)

**TRANSMITTAL**  
**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**FILED VIA EXPRESS MAIL**

HONORABLE COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is Applicants' Fifth Supplemental Information Disclosure Statement which is being filed in accordance with 37 C.F.R. §§1.56 and 1.97-1.98. The single item or document listed on Form PTO-1449, a copy of which is attached, may be deemed to be material to the above-identified application and is being made of record in order to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider this item and to independently ascertain its teaching.

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**EXPRESS MAIL CERTIFICATE**

"Express Mail" Label No.: EL722014059US

Deposit Date: SEPTEMBER 20, 2001

I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

  
Ronald C. Fedus

Reg. Exhibit 32,567

SEPT 20 2001  
Date

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1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

2. ☐ For each of the following items listed on the enclosed copy of form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.

3. ☐ Any copy of the items on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Divisional or ☐ Continuation-In-Part application under 37 C.F.R. §1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.

☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.

5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. ☒ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

☐ A check in the amount of \$240.00 is enclosed in payment of the fee.

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☒ Charge the fee to Deposit Account No. 05-1135, Order No. ENZ-5(D8)(C2). A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

a. one of the certification pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

b. the attached petition requesting consideration of this Information Disclosure Statement; and

c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

a. ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;

b. ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.

c. ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

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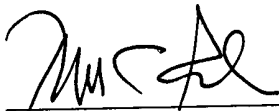
[ ] I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [ ] A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

[ ] Charge the fee under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 05-1135. Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

[x] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 05-1135. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

By:   
Ronald C. Fedus  
Attorney for Applicants  
Registration No. 32,567

Dated: September 20, 2001

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